

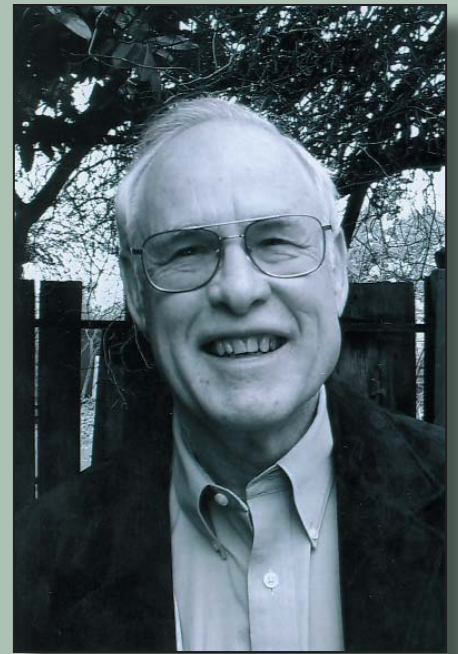
REPRESENTATIVE WAYNE EHLERS

Wayne Ehlers's recent legislative experience includes working for private clients, 1993-96. Wayne served as director of legislative and federal relations, Office of the Governor, 1990-92; minority leader, state House of Representatives, 1981-82; chairman, State Government Committee, 1977-1980; Appropriations, Education, and Agriculture committees 1973-1982; Legislative Budget Committee, 1978-83.

Wayne's additional work experience includes: secretary's representative, Region 6, Washington State Department of Social and Health Services, 1987-88; field representative, Public School Employees, 1985-87; instructor, graduate courses, Pacific Lutheran University, 1968-81; Franklin Pierce School District, 1967-85; Sedro-Woolley School District, 1961-64; Tacoma School District, 1960-61.

Wayne's recent appointments: Commission on Judicial Conduct, 2005; Legislative Ethics Board, 2004; King County Redistricting Commission, 2001; Energy Facility Site Evaluation Council, 1999; Western Washington University Trustee, 1992-99.

Wayne received his master's degree at Denver University and bachelor's degree in liberal arts and education at Western Washington University in 1960. He is married to Patricia Hall and has two sons.



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Interviewed by:	Diane Wiatr
Transcribed by:	Brian McConaghy
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Tape 1, Side 1

Diane Wiatr: This interview with Wayne Ehlers is about the history of Washington State's Growth Management Act (GMA). The date is August 19, 2005, and the interview is taking place at Wayne's home in Seattle. My name is Diane Wiatr, and I will be interviewing Wayne Ehlers today.

Diane: Wayne, what interest did you have in growth management and land use planning before passage of the GMA in 1990?

Wayne Ehlers: I was elected in 1972 and in the early 1970s I was on the [House of Representatives] State Government Committee and later became chair of it. In the first few years State Government tried to get land use planning through the Legislature and there was a lot of opposition, particularly from developers, and some environmentalists. But particularly developers who would come in at the last minute with pages and pages and pages of amendments—very technical amendments and it just kept dying. So that was the first beginning interest in it.

And then later when I became Speaker [of the House] I went onto other things and didn't worry so much about land use from a legislature standpoint. But I still had an abiding interest being a fifth or sixth generation Washingtonian—and the environment is important to me.

Diane: So in 1972 Dan Evans was Governor, correct?

Wayne: Yes, he had just won his third term so he had four years to go.

Diane: And that's when the Shoreline Management Act...

Wayne: A lot of those happened in the early 1970s. We'd get some of the forest protection stuff and a lot of the land use changes, so a number of things happened then.

Diane: And when did you really start thinking about growth management? When did you say, okay, we need to do something about this?

Wayne: I was working with Christine Gregoire who was the Director of Department of Ecology at the time. We had a number of bills having to do with wetlands and those kinds of issues and since I was in charge of Governor Gardner's legislative agenda—both his executive request bills as well as all his agency request bills—we had a number of environmental things—oil spills and wetlands and a lot of those issues. So I was working those pretty much with Gregoire.

And so there was that interest. And then on the ballot—I can't remember if it was 1990 or 1991—there was a growth management initiative that environmentalists had put together that was on the ballot. And there were some real problems with it, so Booth and I had the discussion about his position on it and he came out in opposition to it. When he came out in opposition to it, he had to promise that if it failed that he was going to introduce something legislatively to try to deal with the issue.

Diane: And this was initiative I-547.

Wayne: I don't remember the number of it, but I do remember the conversation and the commitment. So there were a number of bills introduced that session including one by Dick Ford who was up front on it, but there were a lot of others that were being worked by developers and environmentalists and others. So there were a lot of moving parts. We were getting hung up in the minutiae frankly. When you try to oppose something you do what's called "Christmas tree"—you try to hang everything on it and so you hang enough on it, it falls over under its own weight. That's what was happening. It was happening in various committees.

It was being shifted back and forth between the Local Government Committee, which was Senator [Mary Margaret] Haugen and with then Representative Maria Cantwell's [Economic Development] Committee in the House of Representatives. Haugen was not a senator at the time, she was a house member. It kept going back and forth—each one had their own agenda. So it was all hung up.

When the transportation package failed and they couldn't get a gas tax, Booth appointed me—although I had not been working that issue as legislative person. Dean Foster and some others were working it. It had fallen apart and I discussed it with Booth and sent a letter to the leadership to work it out. It was called the Five Corners, which worked successfully. In two days we put together a transportation tax, which was the last gas tax in this state.

It worked and that was Five Corners; a couple of us in the Governor's Office and I chaired it, with the leadership from all four caucuses. And the transportation chairs were not in the meeting, just the leadership. It was such a good model we used it for local government funding and for growth management. So I suggested to Booth, "Let's form a leadership group." So we had [Speaker of the House of Representatives] Joe King, Maria Cantwell and then [Representative] Clyde Ballard and a woman who was a Republican. And we had Senator [Marc] Gaspard and Senator [Pat] McMullen from the Senate Democrats and [Senate Majority Leader] Jeannette Hayner. I'm trying to remember who the Republican was, I was going to say George Sellers, but I can't remember for sure who the other one was. And then there was me and there was Chuck Clarke who was head of the Department of Community Development.

Essentially I chaired it and the way I was able to chair was because I had served with almost everybody at that table. I think all but Maria that I had served with in the Legislature as speaker and minority leader. We had a good relationship. So we had 82 hours, I think it was, actually at the table with leadership—plus all the staff preparation, and I worked the staff preparation with people from all four caucuses.

We met regularly to make sure we'd sorted through the issues and had the materials there and everything was in order—actually at the table, 82 hours. Now getting leadership—speakers and majority leaders and minority leaders and everybody—at the table on an ongoing basis was remarkable, but they were committed to doing something about it. Even Ballard—who said he was not going to support the final passage of it—was an active participant in making it work. All of them, everybody, was an active participant. So we did, we got it through. And I could tell you the rest of story, which I think is one of the best incidences of leadership.

Diane: Oh, please do.

Wayne: It had gone through all of this time that we'd put this together and at the very last minute a number of primarily developers and business people tried to come in and give us their version—a big, thick proposal. We said, “We're not interested, we have listened to all sides and we've heard all the testimony all along.”

We knew everybody's objections. We knew what local government didn't like, local environmentalists—what they didn't like and what they did like—we knew all that. So anything you put together is last minute and will probably kill the thing.

So we put it together and all the leadership agreed to bring it up to a vote. It would be a clean vote, that they would oppose all amendments to it unless they were technical amendments that we all agreed were slip-ups.

And we had a meeting in the Governor's Office and Booth was there and the leadership from all four caucuses, the four leaders, and representatives from local government, the environmentalists, the developers. And one of the people, Dick Ducharme said, “We're going to amend this with all the weight that we want to put in it,” and so forth. And everybody else chimed in—they agreed that they all had their agendas. And Jeannette Hayner leaned forward and said, “We run this place, you guys don't.” And everybody in that room—Joe King, even Ballard who wasn't going to vote for it, Gaspard said the same thing—“We don't care what you're going to do, we're going to bring it up and we think this is a reasonable compromise and we're going to go with it. So try your best because it's going to be successful.”

We went out the next day—bam! They passed it, House and Senate. I think it was in the same day or within a day or so. It was a very, very good bill.

There was only one issue of contention and I don't remember quite what the details were, but the Republicans on one particular issue wanted to do something. And our information was that the federal government would not allow—it was inconsistent with some federal law. We disagreed on that, but what I said—because I had been talking to Booth almost every day about what we were doing—we agreed that if the people in the administration back east said that it was not consistent with federal law or outside federal law, then the Governor would veto that one little section. If it wasn't inconsistent then we would go along with it. And we checked, and they said it's inconsistent, so we vetoed it.

I called Jeannette Hayner and I called Ballard, and told them, “We said, ‘Fine, we wish you'd gone the other way, but fine.’” And that's what we did. It was tremendous leadership of not just the four leaders, but four of the representatives. Maria Cantwell and McMullen in the Senate were particularly well versed on the

details.

Diane: And when the Five Corners were meeting, what were the primary issues and what were the points of contention?

Wayne: There were so many [laughter]. Obviously 82 hours of negotiations—there were a lot of them. I know one, for example, was, “Who would be in and who would be out of the Growth Management Act in terms of counties,” and we set some population statistics... I must confess, which I haven’t publicly confessed, that I had information from OFM—Office of Financial Management—giving me the latest population statistics in counties which hadn’t been publicly released yet.

And Chelan County which was Ballard’s county and Jefferson County which thought they wouldn’t be covered, in fact their population was such it was going to be under. There were several of that kind of thing. Then there was the issue of boards. The Republicans wanted no boards. The Democrats wanted to have one board.

Diane: And these are the growth management hearings boards.

Wayne: Yes. We ended up having three, which I think was a good thing, but I’d actually come up with the idea. Different parts of the state have some unique climate and geographical features and other things which are unique from, maybe, the other parts.

My idea was to have almost like a rider in the old days between various boards who would bring messages of what was going on in the other boards. It would be a staff person who represented all three boards, and would go to each of the boards explaining why they were making rulings—what the political and policy issues were, what the behind the scenes discussions had been going on in that particular board before they made a decision. Hoping to have some consistency, to the greatest degree possible, recognizing there are geographical differences—to the greatest degree possible. Well that apparently happened to a degree for a while, but then staffing problems...

Actually, last week I saw Judy Wall, a Republican from Chelan, who’s on the [Eastern Washington Growth Management Hearings] Board. We had a long conversation about it and she said they do meet regularly and there’s real active discussion. There were a lot of other issues, like which jurisdictions would be in and out—which junior taxing districts would be in and who would not be subject to it. One which I think was a victory was over sensitive areas. We had a list—and I don’t remember if it was 12, 14 ones that should be included in some kind of listing. The Republicans opposed having any on it. What we did instead—which I actually like better and I think it’s the best thing that could have happened—is they put out a list... Rather than a list, we said that every county had to list any sensitive environmental areas. They had to list them. Didn’t mean they had to necessarily do anything about it, but they had to list them.

And of course by listing them, then that gave kind of a red flag to those environmentalists or others who wanted to go and protect, but our theory was—or at least my theory was—a lot of counties didn’t know what they had. And in order—it seemed silly to have a list of—what the Democrats wanted—14 or 15 or 12—and that was going to be restricted to those. Instead, what I liked was coming up with one that found them all through the state and made a listing of them. Then somebody could decide in the future which ones would go and how we deal with those. And it covered all the counties, not just the counties that were subject to the Growth Management Act.

Diane: What in the political climate led to the passage of the GMA?

Wayne: I think the Republicans' leadership felt that there were a lot of Republicans in areas—particularly in the Puget Sound, but other parts of that state—that had a real constituency of people who wanted to control in an orderly way development and growth. And to just stonewall it was not the way to go. And Jeannette Hayner always had a good feel for things like this. She was wonderful—a very, very good person to work with. She and I came into the House together as freshmen and then she went to the Senate. I was minority leader in the House and she was Republican leader—and then I worked with her when I was speaker. [Hayner is a] wonderful person and she, I think, recognized even more than Ballard that the political fallout of being opposed to this—even if it went down on the ballot.

See, some politicians would argue that people rejected growth management—it was on the ballot, why should we do anything about it? And there's always people who oppose something—they can point to the ballot. I think the leadership, Booth particularly and Jeannette and Joe King and so forth, decided that they were going to step up to it and really solve the problem. They believed they had made commitments to find a usable, reasonable solution and I think they did.

Diane: Do you think if Jeannette hadn't stepped up the way she did there would be no Growth Management Act?

Wayne: Yes, I think so because it was in McCaslin's committee. And McCaslin is a good friend of mine, very conservative Spokane Valley Republican who chaired the committee that it was in and he had hearings and he told everybody he wasn't going to let any of the bills out. Well, I think Jeannette said, "Well, fine," I think that's why the Five Corners worked. He wasn't on the committee and he didn't want to be on the committee. He didn't want growth management in any form, but she prevailed. I think that's a fair statement.

Diane: What kind of pressure was there from the public to create some kind of a growth management strategy?

Wayne: Well, it's like on the surface it sounds good, but then when you get into the details there's some people who see growth management from their own eyes and don't see it from someone else's eyes, so it depends on what one characterized it as. For some segment of groups one little piece of it is exactly what they want, but they don't want the rest of it. And this process, I think, was a compromise process.

You had, as I said a few minutes ago, the public who voted and supported the initiative that failed who felt that something had to be done. And then you had the opposition who killed it say, "Well, the people have spoken, let's not do anything." So politically I think it was a very sensitive area. That's not why McCaslin didn't want it. McCaslin does whatever McCaslin does and he doesn't care—I mean he cares, but he doesn't feel any political pressure. So there wasn't that. I don't think anybody felt that this was going to be their election or reelection in most districts; but in some areas it might have been if somebody had opposed it.

Dick Ford came and told Booth and leadership of the caucuses after the bill passed that our bill was better than the one that was on the ballot. It was better than his proposal that he had introduced during the session. He said, you guys came up with workable, reasonable things he hadn't even thought about, so we were pleased.

Diane: Good. But when I ask what kind of pressure was there from the public, I meant the general public. What kind of issues were happening—congestion or pollution or loss of...?

Wayne: Well, as I said, everybody's got a piece of it. We've got too many people, the roads are crowded, there's lakes that are polluted, we have wetlands that are endangered, but everybody's got a different concept. It's like land use planning: "I want to be able to do whatever I want with my property and you can't tell me,

but by the way, if somebody tries to put a prison in or an airport or put a rendering plant next to my property, they can't do that!" Everybody had a sense of their perception of what growth management was and what the problems were and are, but there weren't too many who saw the overview, the whole thing. And it had to be a comprehensive—it had to be a statewide solution, it had to be a comprehensive solution, it had to be a politically doable solution.

Diane: And as a fifth generation Washingtonian what did you think the problems were?

Wayne: I still think the problems are the tax system—it's not working terribly well. And the Legislature, for the most part, hasn't stepped up the last number of years—they're afraid of the Tim Eyman-type initiative. And sure enough when they stepped up this time with the gas tax they got whacked around. Hopefully the bill will be okay in November.

Dan Evans made an excellent attempt to try to go the right way in his terms as Governor in terms of—Was it Blueprint for Progress or whatever it was called? I can't remember anymore—but it was not real high on everybody's list. There's a tendency among legislators that if you do something then you believe you've solved the whole problem and then you walk away from it and you can tell everybody, "Well, we solved the problem." That's what sometimes happens.

I think you need to keep revisiting on these issues, because conditions change. There are more people coming into this state, there's always a lapse between people getting here and the money to pay for the roads and the schools and so forth. There's a gap of time. So we never quite get our hands around it. The last time I talked to people about growth management at all—developers and everybody else—whatever the Legislature has attempted to do, some people have attempted to rip it apart. Those same groups who had problems with it now usually come together and protect it because—they don't agree with everything, but they at least understand what the rules are. Before, every jurisdiction had a lot of different rules and if you're in development or in the business of trying to do development or protect the environment, you want to know what the ground rules are. I think growth management, for the most part, has done that.

Diane: Let's back up a little. Can you speak a little to the Steel Magnolias story?

Wayne: Oh, yeah. I wasn't really part of that but because Joe had been my majority leader and when I left the Legislature I knew what was going on during the internal meetings (1990). I knew they were fighting among themselves as to who was going to get jurisdiction. What Joe told me was that he decided to divide it into pieces and then try to bring the pieces together from the different committees. I think that Cantwell probably prevailed more than the others in terms of getting most of the pieces together in her bailiwick. It was a real struggle between Haugen and Cantwell—two strong-willed women who I worked with a great deal. Very bright. I was meeting with them regularly trying to sort this out in 1990 and again in 1991. It appeared that in 1991 that they couldn't successfully sort it out and that's why, frankly, I thought the Five Corners was a way of getting out of some of the personality conflicts. And, Cantwell was selected by Joe to be the one on the Five Corners, so I guess you know who won the fight.

Diane: What was the original intent of the GMA and why do you think it became law?

Wayne: Well, I think the intent—as I've said, maybe not as clearly as I should—the intent was to have an orderly process and to try to look at issues in a comprehensive way instead of a piecemeal way as Seattle or some areas in suburbia were doing. And even within, say King County, you had jurisdictions doing different things with the environment and wetlands. So it was an attempt to deal with issues in an orderly, I suppose, and

a comprehensive way and I think that was the driving force.

Tape 1, Side 2

Diane: And do you think that the Growth Management Act has achieved those things? Is it a more orderly process? Do we have a more comprehensive way to look at things?

Wayne: I think so. Now I know that there's some argument about that in Eastern King County. There's some objections to some of the things that the King County Council—and I frankly haven't spent much time looking at it. But generally I think it has been. As I mentioned earlier you have some of the people who were protagonists before who now try—different interest groups—try for the most part to keep the Growth Management Act pretty much in place. They nibble around the edges of it, but pretty much in place because they would hate to see it unravel because they don't want to go back to the way things used to be.

And it's an example, frankly, of—this wasn't my motive—but I could see what was going to happen in terms of land values and so forth. I knew what it would do to certain urban areas in terms of cost of land and housing. If you were in one of those jurisdictions that started having all those—we're going to go to a much more compact density populations and so forth, land was going to become more and more scarce. We were driving—in some ways, I think, growth management drove economic policy. I don't think that was necessarily the underlying intent, but density brings—property gets more valuable with more density—supply and demand, and that's what was going to happen.

Diane: But isn't it also part of a larger national trend for housing values to be outrageously high?

Wayne: Oh yeah, but I think if you look to see when this passed and what's happened to values in this state since that time—since about 1990, 1991, in that period of time... Of course, I know there are a lot of other factors, more people moving in and everything else, but a lot of good things have happened in that whole process. I'm not saying it's just economic because there are a lot of good things, protecting critical areas and so forth, that has worked.

Diane: In terms of how the GMA is structured, what do you think are the most important parts of the law?

Wayne: I don't quite understand your question.

Diane: It could be the hearings boards, it could be protection of critical areas, it could be that every municipality is required to write a comprehensive plan...

Wayne: It's all of those. I've hit on some of the ones like the board, obviously that is trying to pull all the pieces together. I was on the board of trustees at Western Washington University and we had to meet local rules and regulations—although I don't think we really had to given the growth management, but we want to be good citizens.

So even if you're exempt from it or even if you weren't included in it, you want to be. If the local jurisdiction is concerned about growth into a particular area, as they are with Bellingham, they want to involve the local jurisdiction and have discussions. So all of those things are awareness of problems, of issues like wetlands and critical areas and a process in which you can—like the boards—that you can go to, to either support or oppose some position of local government or somebody's developer's proposal. There's a process.

So I don't think I could point out any one single thing—some water policies that I... We had a big discussion over water policy and water rights and all that stuff. We had some language, which I thought was pretty good, and the Republican House staff came back with other language. And Kaleen—Cottingham I think her name is—she later went on, became for Lowry, in charge of water policy throughout the state or something

—very bright young woman, and she read this over, and she says, “This is better language and has more enforcement and more far-reaching than our proposal.” I said, “Well, how can that be because that certainly wasn’t the intent of the House Republican staff.” And she said, “Well, they don’t know what they’ve written.” And I said, “Okay, we’ll accept it,” and gave in on that one.

There’s just a whole bunch of little and big things in that bill. I don’t remember how many pages it was, but it was long.

Diane: Can you tell us what your most interesting memory of the dynamics of the events leading up to the enactment of the GMA?

Wayne: Well, the key—the one in the office that I mentioned with Governor Gardner earlier and leadership was a major one. And then there are a couple cases where you had a House Democratic staff person and a Senate staff person who had both been involved in the process for the Senate and the House in the failed attempts and they were there at the table. And they kept trying to intervene into the process and that was fine behind the scenes, if they want to talk to other people, but they tried to intervene. So as chair, I had to keep them in line.

And there was a lot of backstabbing fighting going on between some of the staff people who felt they were being excluded from the process. But they were right, they were there, but they were being excluded from the policy decision. We had already heard what their point of view was, and so somebody had to make the policy decision and that’s why we had leadership there to do that.

I didn’t have a vote, but they trusted me. I had as much power as any of them did because I represented the Governor. I advised Booth on a regular basis and they know I came with a portfolio and what I was saying was what Booth had said and if I was going too far or if they had something I hadn’t thought about, I would go back to the Governor and we’d discuss it and he’d tell me what he wanted to do. So there were a lot of interplaying going on and John Rico who was Hayner’s staff person, Senate person, he was like me—we didn’t know a lot about the subject matter as some of these people, but we understood process, we understood enough to know what was good, what was bad in the interest of getting it done. And John Rico was very easy to work with.

Diane: If another state wanted to adopt a growth management law, what advice would you give them?

Wayne: That’s a very good question because every state is different, obviously. I think by maybe looking at the process we went through. I think the original Growth Management Act, and perhaps even with the amendments, is a good model to go look at. And hopefully read all about this archive—I would recommend to them. You talk to 16 people who were involved in it and all maybe have a little bit different perception—there’s some pretty good advice in there maybe how to work the process.

Again, I’m not privy to all that went on, but I would start with what made this one work and then try to pick out those things which are applicable to your state and your structure, your system.

For example, in Oregon they don’t allow amendments on the floor. Here we do and so the committee structure is so important there. But I don’t see why a Five Corners couldn’t work in many states. There are states, however, that are so partisan—Democrats and Republicans, that’s true to a degree here—you have to have the right people involved, the right personalities that trust each other. It’s like any kind of relationship. If they trust what you say is what you’re going to do, and you have kind of a history of that among yourselves, there’s a great trust level. So if you’re going to have people—that’s one issue.

Second issue, you have to be with people who are empowered to really make the decision and it’s going

to happen. Three layers down in one of the six, or whatever, committees in the House that were going to divide this up, you weren't going to have it—that person would have to check off with somebody else in leadership before they could agree to it and they couldn't publicly speak. When the Speaker of the House says, "This is what our position's going to be"—or the Senate Majority Leader Jeannette Hayner, or the Governor's office—that was the deal, that was the deal. That's not always possible, so if I were looking at it I guess my advice would be to have the right people in the room. You want to have the input of all the various jurisdictions, but you don't want them controlling what happens.

Diane: How do you view growth management today?

Wayne: It's one of those legacies of Booth Gardner and his administration that he should be most proud of, along with mental health reform and some of the things with kids that he got through. But I think it's one of those, like mental health reform, that involved local jurisdictions and the state and a lot of different parties and a lot of different interests—and it actually works. It doesn't mean it's perfect. I knew it wasn't perfect when we passed it and it's probably not perfect now, I'm sure, but it's one that people can be proud of and say it's worked. And I think other jurisdictions, other parts of the country have looked at our growth management and wondered how we managed to get this thing through and how it's working so well.

Diane: And how do you think Washington State would look if we hadn't passed the Growth Management Act?

Wayne: Well, God only knows. We see what—if you had the density of the cities, particularly Seattle and Tacoma and Spokane and so forth—if you allowed what was happening to happen uncontrolled, these traffic jams that we have every day and messes that we have of that nature would be far, far worse. There's no question in my mind. And we would have lost probably thousands of acres of wetlands, critical areas that we didn't even know—that jurisdictions didn't even know they had, which would not have been good for our children and our children's children and the state of Washington. The state of Washington is one where it's ecologically—it's beautiful environmentally, it's beautiful—a lot of people come here from other states, love the state. We can't go back to the way things were 30 or 40 years ago, but we can save and sensitively control our growth. And this was an attempt to do that.

Diane: Do you have any additional comments?

Wayne: No, I think not. I'm glad that you've talked to as many—I guess I'm next to the last one in these conversations and I don't know what the others have said about the process, but everyone comes from a different perspective. I'm just proud to be a part of it and I think the people—the leadership particularly—who were involved in it, including the Governor, did a marvelous, marvelous job of cooperating and getting it done.

Diane: Thank you so much.